

Although Petitioner styles the present motion as brought pursuant to Rule 60(b)(6), in the habeas context, a Rule 60(b)(6) motion that raises “claims” must be treated as a successive habeas petition. *See Gonzalez v. Crosby*, 545 U.S. 524, 530-31. “A motion that seeks to add a new ground for relief...qualif[ies]” as a successive habeas petition. *Id.* at 532. So, too, does a motion “contend[ing] that a subsequent change in substantive law is a reason justifying relief.” *Id.* at 531 (quotation marks and citation omitted). Accordingly, Petitioner’s pleading, “although labeled a Rule 60(b) motion, is in substance a successive habeas petition and should be treated accordingly.” *Id.*; *see also Maisonet v. Conway*, No. 04-CV-2860 (RRM), 2011 WL 317833, at *4-5 (E.D.N.Y. Jan. 31, 2011).

This Court does not have jurisdiction to adjudicate successive habeas petitions without permission of the Second Circuit Court of Appeals to do so. *See Torres v. Senkowski*, 316 F.3d 147, 151 (2d Cir. 2003); 28 U.S.C. § 2244(b)(3)(A). Accordingly, the Clerk of Court shall transfer this motion to the United States Court of Appeals for the Second Circuit pursuant to 28 U.S.C. § 1631. If the Second Circuit authorizes Petitioner to proceed in this matter, Petitioner shall move to reinstate the motion under this docket number.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and, therefore, *in forma pauperis* status is denied for purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
March 30, 2018

/s/

DORA L. IRIZARRY
Chief Judge